

## **EXHIBIT B**

# **BROWN REPLY DECLARATION ISO APPLE'S MOTION FOR SUMMARY JUDGMENT**

Deposition of Darrin Baja

In Re: HIGH-TECH EMPLOYEE ANTITRUST LITIGATION

1

UNITED STATES DISTRICT COURT

2

NORTHERN DISTRICT OF CALIFORNIA

3

SAN JOSE DIVISION

4

5

IN RE: HIGH-TECH EMPLOYEE )

6

ANTITRUST LITIGATION )

7

) No. 11-CV-2509-LHK

8

THIS DOCUMENT RELATES TO: )

9

ALL ACTIONS. )

10

\_\_\_\_\_ )

11

12

VIDEOTAPED DEPOSITION OF DARRIN BAJA

13

HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

14

Friday, March 1, 2013

15

16

17

18

19

20

21

22

23

24

Reported By:

25

KATHLEEN WILKINS, CSR #10068, RPR-RMR-CRR-CCRR-CLR

Deposition of Darrin Baja

In Re: HIGH-TECH EMPLOYEE ANTITRUST LITIGATION

02:29:26 1 contact Google employees regarding employment  
02:29:29 2 opportunities at Apple?

02:29:30 3 MR. TUBACH: Lacks foundation.

02:29:31 4 THE WITNESS: Could you ask that one  
02:29:31 5 more time.

02:29:32 6 BY MR. DALLAL:

02:29:32 7 Q. When did Apple make its decision not to  
02:29:34 8 contact Google employees regarding employment  
02:29:37 9 opportunities at Apple?

02:29:41 10 A. I don't remember.

02:29:43 11 Q. Do you know if it ever ended?

02:29:46 12 A. I was told that we could contact folks  
02:29:50 13 at Google at one point, yes.

02:29:52 14 Q. When was that point?

02:30:00 15 A. Whenever Eric Schmidt was off the board  
02:30:02 16 of directors. I don't remember what year that  
02:30:03 17 was. 2009, 2010.

02:30:07 18 Q. Do you know if it was before or after  
02:30:09 19 you learned about the investigation by the  
02:30:12 20 Department of Justice in Apple's recruiting  
02:30:14 21 practices?

02:30:17 22 A. I would say it was before.

02:30:27 23 Q. Who told you that you could contact  
02:30:29 24 folks at Google, as you put it?

02:30:34 25 A. My -- my boss directly.

Deposition of Darrin Baja

In Re: HIGH-TECH EMPLOYEE ANTITRUST LITIGATION

02:30:37 1 Q. Who was that?

02:30:42 2 A. Probably -- oh, that was Scott Gilfoil.

02:30:50 3 Q. Did he tell you verbally or in an

02:30:52 4 e-mail, or in what way did he tell you?

02:30:54 5 A. Verbally.

02:31:00 6 Q. Was it your understanding that he had

02:31:02 7 told other Apple recruiters the same thing?

02:31:08 8 A. Yes.

02:31:08 9 Q. Was there ever any type of writing that

02:31:10 10 you saw from Mr. Gilfoil or anyone else at Apple

02:31:14 11 stating that Apple recruiters could now contact

02:31:23 12 employees of Google about employment opportunities

02:31:27 13 at Apple?

02:31:28 14 A. I don't remember.

02:31:35 15 Q. What was the purpose of Apple's decision

02:31:36 16 not to contact employees of Pixar regarding

02:31:42 17 employment opportunities at Apple?

02:31:44 18 A. Steve Jobs was the president of Pixar at

02:31:46 19 the time, and also the CEO of Apple. So that

02:31:51 20 relationship was what I was told.

02:31:53 21 Q. Who told you that?

02:31:57 22 A. I don't remember which boss it was at

02:31:59 23 the time, but it was whoever I reported directly

02:32:01 24 to.

02:32:06 25 Q. Were there any limitations on Apple's



Deposition of Darrin Baja

In Re: HIGH-TECH EMPLOYEE ANTITRUST LITIGATION

02:32:10 1 policy of not contacting Pixar employees regarding  
02:32:13 2 employment opportunities at Apple?

02:32:17 3 A. I'm not aware of it.

02:32:21 4 Q. Do you know when Apple's policy of not  
02:32:23 5 contacting Pixar employees regarding employment  
02:32:25 6 opportunities at Apple began?

02:32:29 7 A. I had heard that from the day I started,  
02:32:32 8 pretty much, in 2000.

02:32:35 9 Q. Do you know if that policy ever ended?

02:32:43 10 A. I don't know.

02:32:47 11 Q. Did Apple adhere to its policy of not  
02:32:50 12 contacting Pixar employees regarding employment  
02:32:54 13 opportunities at Apple?

02:32:59 14 A. For what I was responsible for, we did.

02:33:08 15 Q. How did you prepare for today's  
02:33:11 16 deposition?

02:33:14 17 A. I had a meeting here with -- with  
02:33:17 18 Michael and Christina.

02:33:19 19 Q. By "Michael and Christina," you mean  
02:33:23 20 Mr. Tubach and Ms. Brown?

02:33:24 21 A. That's correct.

02:33:27 22 Q. Was that the only time you met with them  
02:33:29 23 to prepare?

02:33:30 24 A. Yes.

02:33:31 25 Q. When was that meeting?

1 I, Kathleen A. Wilkins, Certified  
2 Shorthand Reporter licensed in the State of  
3 California, License No. 10068, hereby certify that  
4 the deponent was by me first duly sworn and the  
5 foregoing testimony was reported by me and was  
6 thereafter transcribed with computer-aided  
7 transcription; that the foregoing is a full,  
8 complete and true record of said proceedings.

9 I further certify that I am not of  
10 counsel or attorney for either of any of the  
11 parties in the foregoing proceeding and caption  
12 named or in any way interested in the outcome of  
13 the cause in said caption.

14 The dismantling, unsealing, or unbinding  
15 of the original transcript will render the  
16 reporter's Certificates null and void.

17 In witness whereof, I have hereunto set  
18 my hand this day: March 11, 2013.

19 \_\_\_\_\_ Reading and Signing was requested.

20 \_\_\_\_\_ Reading and Signing was waived.

21 \_\_\_X\_\_\_ Reading and Signing was not requested.

22 \_\_\_\_\_

23 KATHLEEN A. WILKINS

24 CSR 10068, RPR-RMR-CRR-CCRR-CLR

25